



ORDINANCE NUMBER 2942

AN ORDINANCE OF THE CITY OF FARMERS BRANCH, TEXAS, AMENDING THE COMPREHENSIVE ZONING ORDINANCE OF THE CITY OF FARMERS BRANCH, TEXAS, BY AMENDING A SITE PLAN ASSOCIATED WITH AN APPROVED SPECIFIC USE PERMIT FOR AN ASSISTED LIVING FACILITY WITH SPECIAL CARE UNIT LOCATED ON APPROXIMATELY 4.007 ACRES AT 13505 WEBB CHAPEL ROAD WITHIN THE OFFICE ZONING DISTRICT; PROVIDING FOR A SEVERABILITY CLAUSE; PROVIDING A PENALTY OF FINE NOT TO EXCEED THE SUM OF TWO THOUSAND (\$2,000.00) DOLLARS; PROVIDING FOR INJUNCTIVE RELIEF; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the City of Farmers Branch deems it necessary, for the purpose of promoting the health, safety, morals, or general welfare of the City to enact a new zoning ordinance; and

WHEREAS, the City Council has appointed a Planning and Zoning Commission to recommend the boundaries of the various original zoning districts and appropriate regulations be enforced therein and to recommend a new zoning ordinance to amend the Comprehensive Zoning Ordinance; and

WHEREAS, the Planning and Zoning Commission has divided the City into districts and has prepared regulations pertaining to such districts in accordance with a comprehensive plan and designed to lessen congestion in the streets; to secure safety from fire, panic, and other dangers; to promote health, general welfare; to provide adequate light and air; to prevent the overcrowding of land; to avoid undue concentration of population; to facilitate the adequate provision of transportation, water, sewerage, schools, parks, and other public requirements; and

WHEREAS, the Planning and Zoning Commission, has given reasonable consideration, among other things, the character of the districts and their peculiar suitability for particular uses, with a view to conserving the value of buildings and encouraging the most appropriate use of land throughout the City; and

WHEREAS, the Planning and Zoning Commission of the City of Farmers Branch and the City of Farmers Branch City Council, in compliance with the Charter of the City of Farmers Branch, and state law with reference to the granting of changes to the zoning classifications under the Zoning Ordinance Regulations and Zoning Map, have given the requisite notices by publication and otherwise, and after holding due hearings and affording a full and fair hearing to all property owners generally, and to the persons interested and situated in the affected area and in the vicinity thereof, the City of Farmers Branch City Council is of the opinion that due to a change in condition and in order to protect the public health, welfare and safety, said change in zoning should be made.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF FARMERS BRANCH, TEXAS:

SECTION 1. That all matters stated in the preamble are found to be true and correct and are incorporated herein as if copied in their entirety.

SECTION 2. That the Comprehensive Zoning Ordinance of the City of Farmers Branch, Texas, be, and the same is hereby amended, by amending the Zoning Map of the City of Farmers Branch so as to amend a site plan associated with an approved Specific Use Permit for an assisted living facility with special care unit located at 13505 Webb Chapel Road within the Office zoning district (hereinafter the "Property"), as described in Exhibit "A" and depicted in Exhibit "B," subject to the following condition:

1. The subject property shall be replatted to dedicate the necessary fire lane, access and utility easements, prior to issuance of a building permit.

SECTION 3. That the Property shall conform in operation, location and construction to the development standards specified within the Office zoning district and in accordance with the approved site plan attached as Exhibit "C" and the Plan of Operation attached as Exhibit "D." All exhibits attached hereto are incorporated herein by reference.

SECTION 4. If any section, paragraph, subdivision, clause, phrase or provision of this ordinance shall be judged invalid or unconstitutional, the same shall not affect the validity of this ordinance as a whole or any portion thereof other than that portion so decided to be invalid or unconstitutional.

SECTION 5. That any person, firm or corporation violating any of the provisions or terms of this ordinance shall be subject to the same penalty as provided for in the Comprehensive Zoning Ordinance of the City of Farmers Branch and upon conviction shall be punished by a fine not to exceed the sum of two thousand dollars (\$2,000.00) for each offense.

SECTION 6. In addition to and accumulative of all other penalties, the City shall have the right to seek injunctive relief for any and all violations of this ordinance.

SECTION 7. This ordinance shall take effect immediately from and after its passage as the law in such case provides.

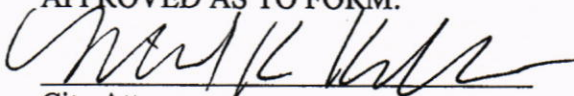
**DULY PASSED BY THE CITY COUNCIL OF THE CITY OF FARMERS BRANCH,
TEXAS, on this the 16th day of October, 2007.**

APPROVED:



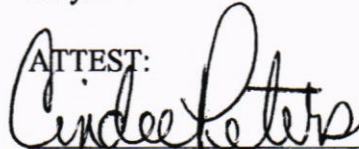
Mayor

APPROVED AS TO FORM:



City Attorney

ATTEST:

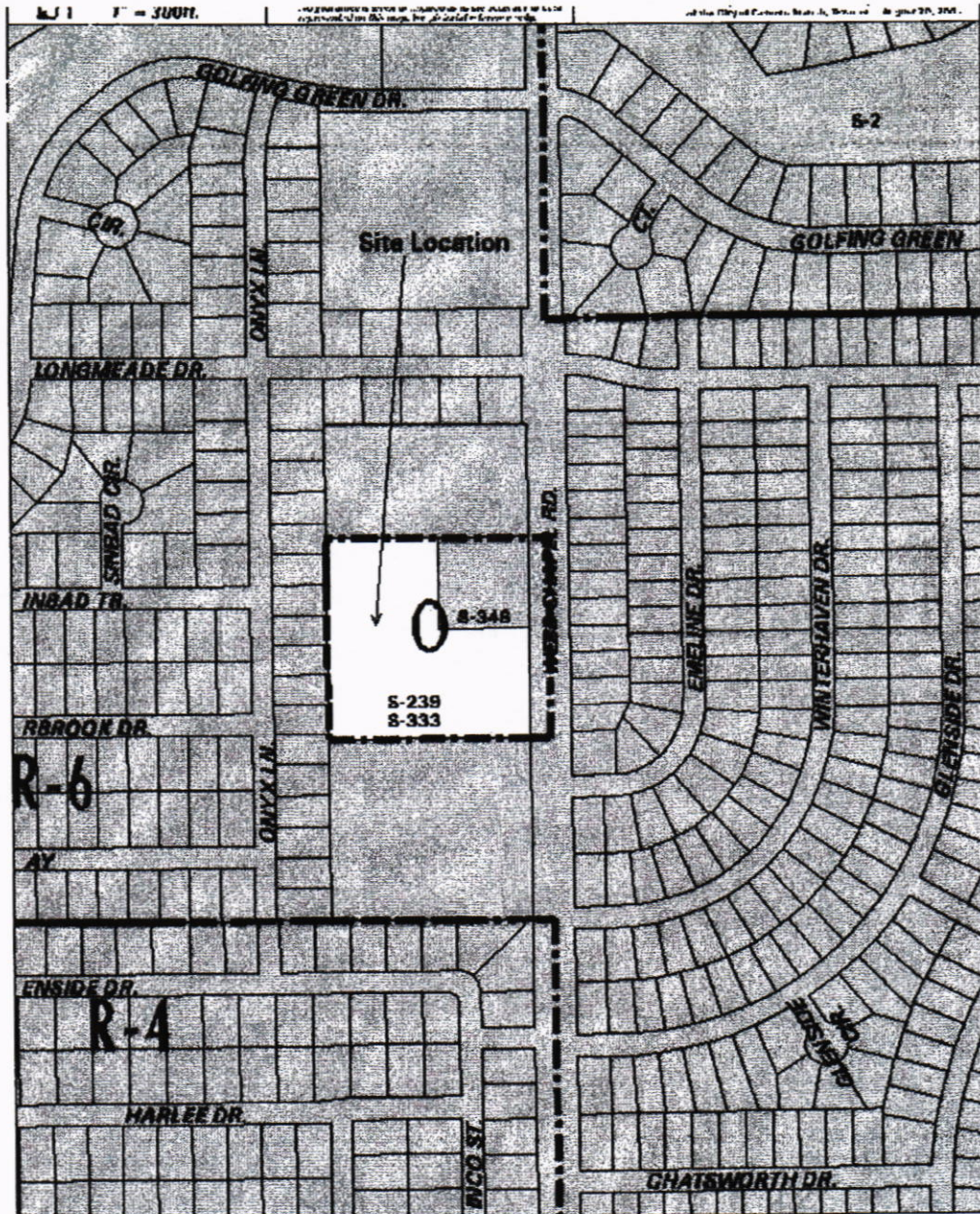


City Secretary

Exhibit "A" – legal description

Being Lot 1, Block 1, Village Oaks of Farmers Branch, an addition to the City of Farmers Branch, Dallas County, Texas according to the plat recorded in Volume 98055, page 87, Map Records, Dallas County, Texas.

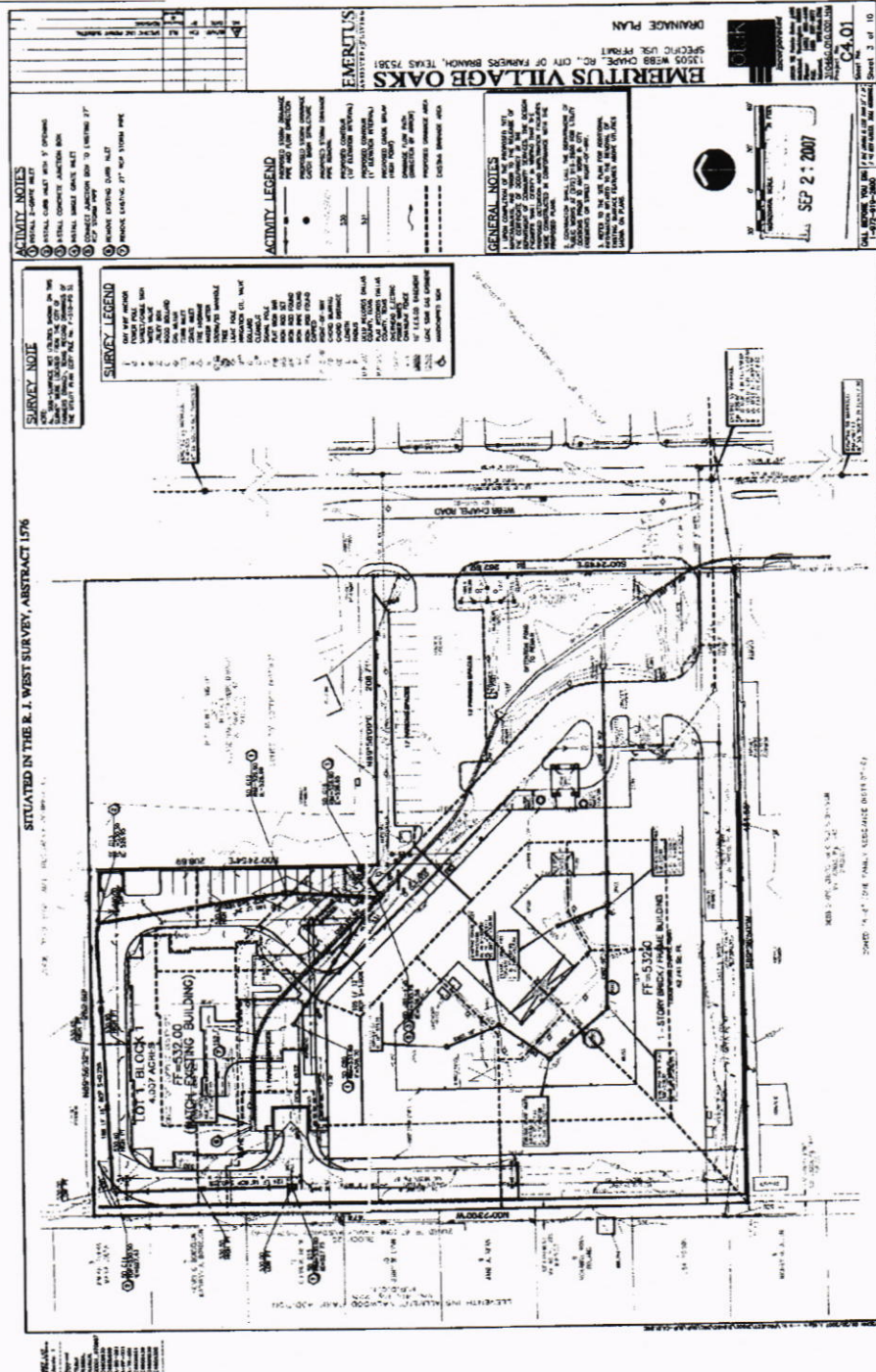
Exhibit "B" – location map



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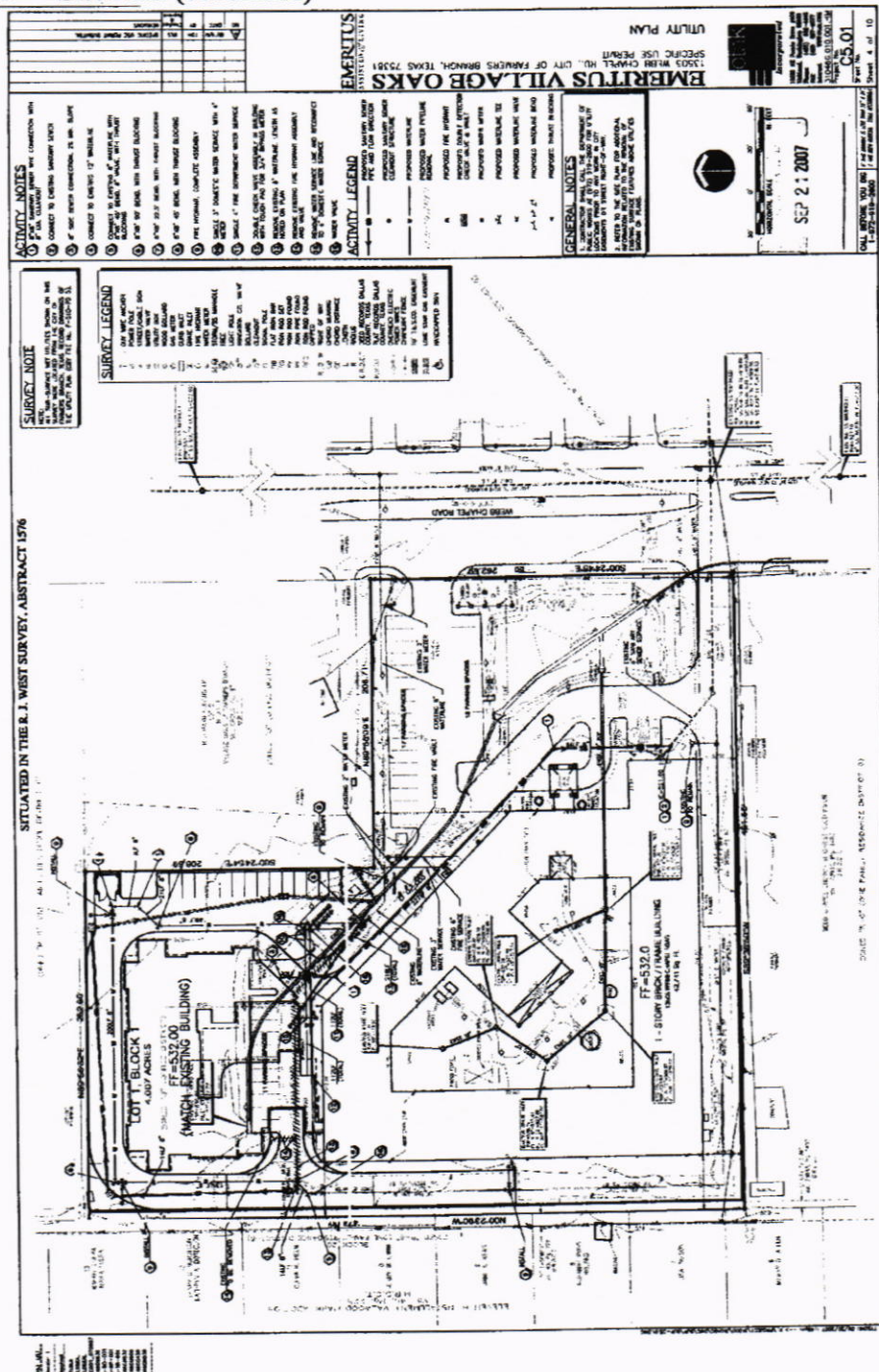
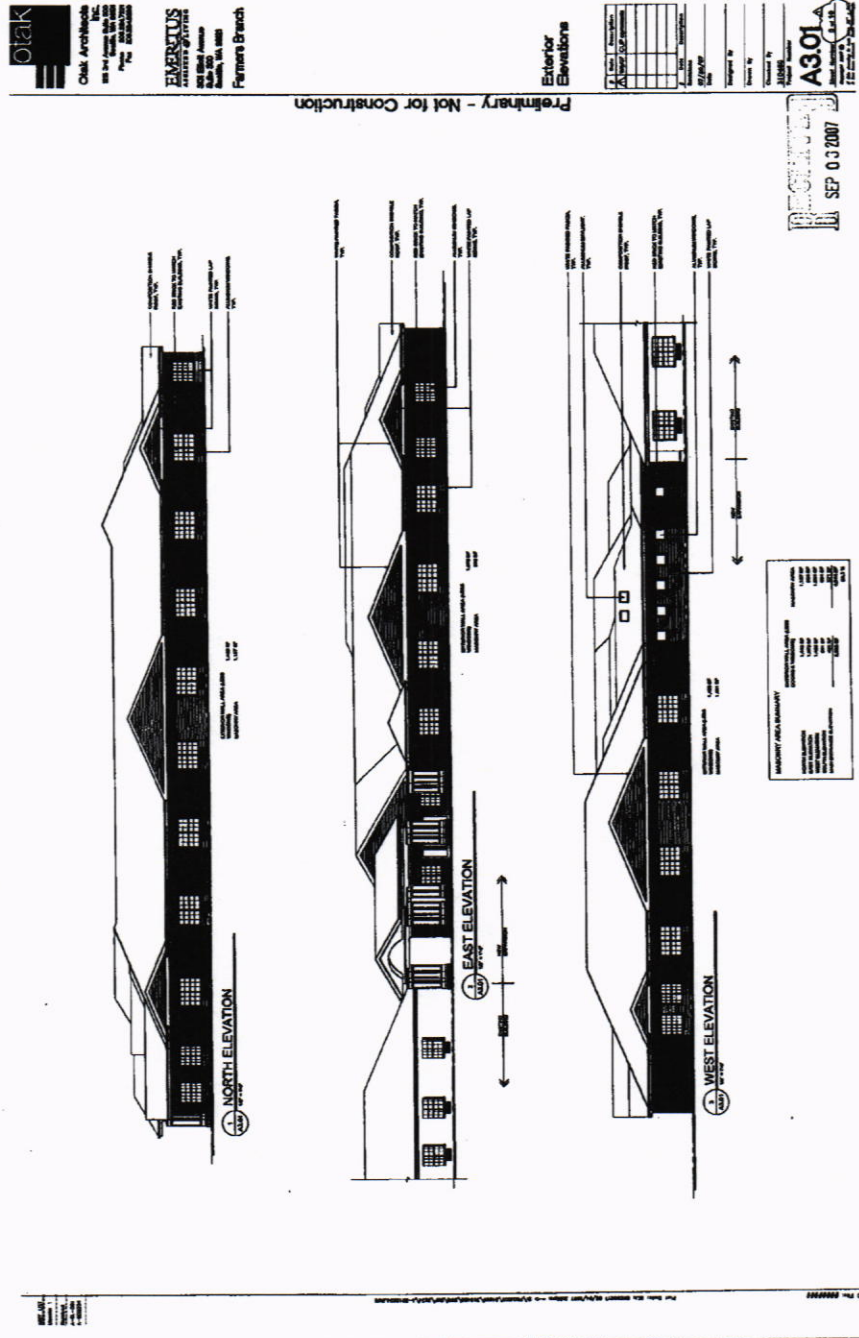


Exhibit "C" – Site Plan (continued)



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Exhibit "C" – Site Plan (continued)

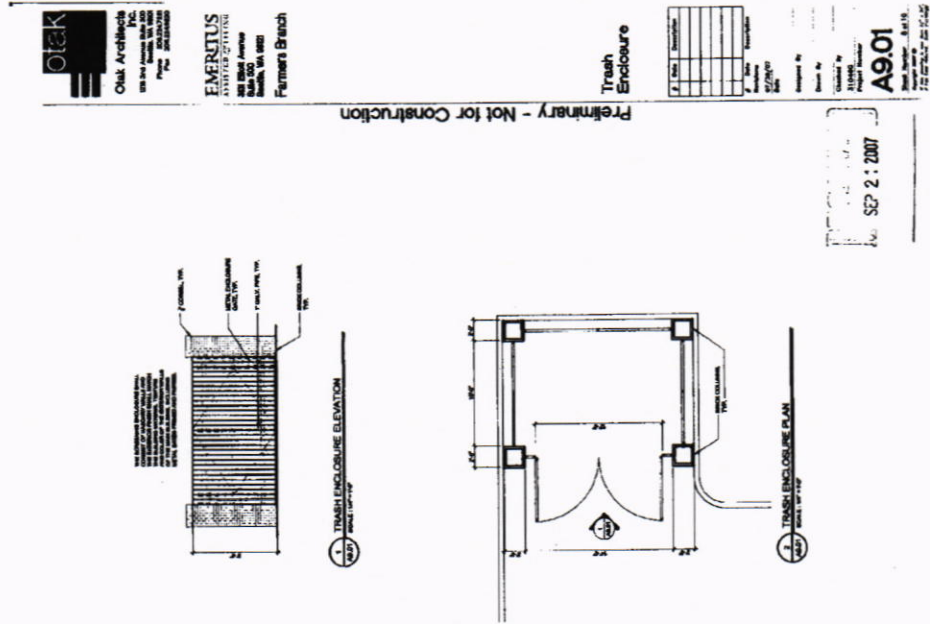
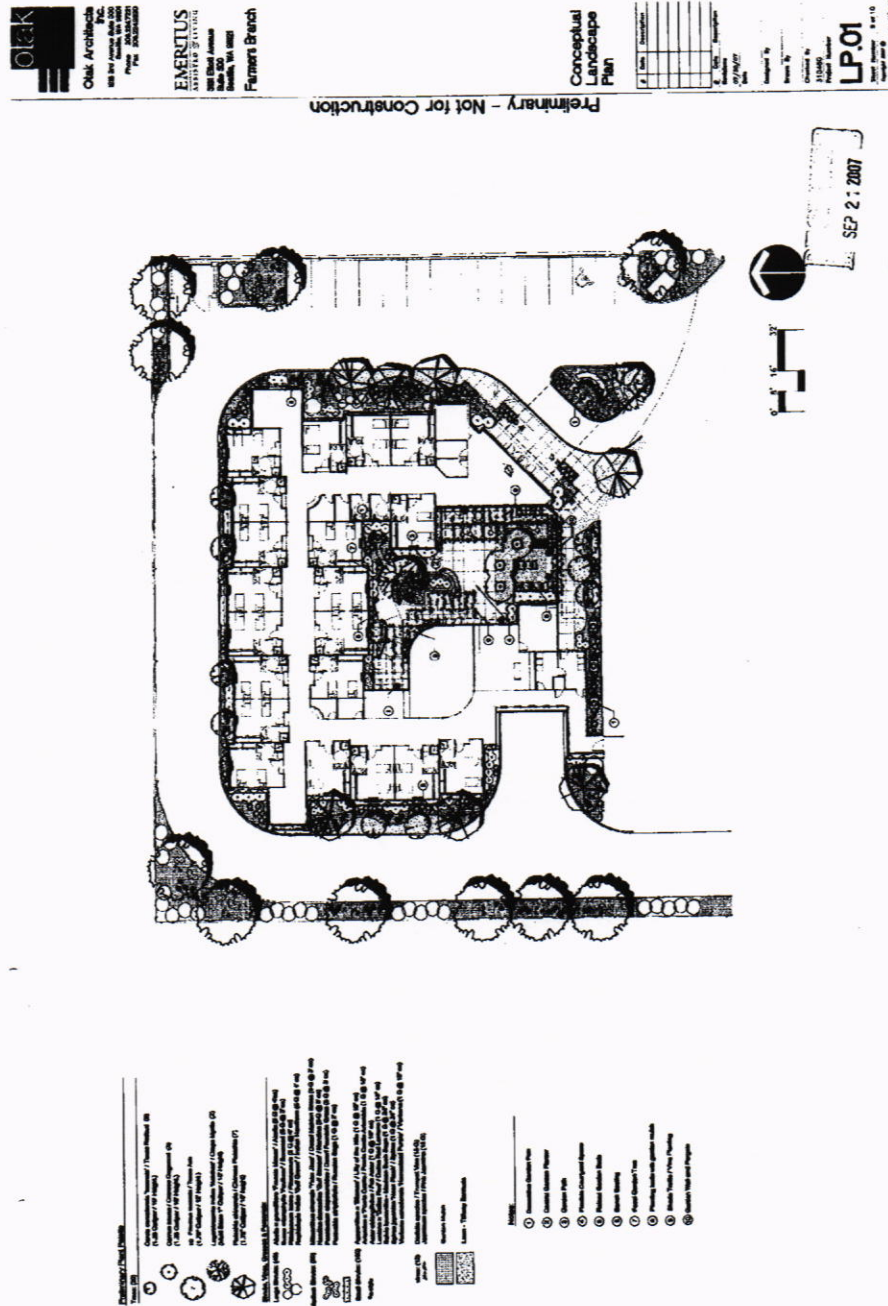


Exhibit "C" – Site Plan (continued)



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Farmers Branch: Application for Specific Use Permit

Plan of Operation

Describe the proposed use:

To allow for an assisted living facility, including a Special Care Unit designed to meet the unique needs of assisted living residents diagnosed with non-reversible dementia and other memory loss disorders. The maximum number of rooms to be utilized in the proposed Special Care Unit will never exceed 20 rooms or 40 residents. The existing facility accommodates 126 residents through the utilization of 66 rooms. The total number of rooms for the expanded facility will be 86 rooms accommodating approximately 166 residents.

The assisted living facility, including the Special Care Unit, will continually be licensed in accordance with State Regulations. The residents in our Special Care Units do not have skilled nursing needs, and therefore do not need to be placed in expensive institutional settings. Rather, their needs to have help with dressing, bathing, grooming, toileting can be met, according to Texas State Regulations, in an assisted living environment. When residents needs reach a level where they are no longer mobile, we must help to find them another place of residence. In assisted living we do not take bedfast patients, they must be released to a facility that specializes in this type of care.

Assistance with "Activities of Daily Living" (ADL) is what the majority of residents in our communities receive on a daily basis. What makes our special care programs different than our assisted living program is we go a step further than just ADL assistance. People with memory loss have unique social and emotional needs. We provide more staff in our Special Care Units so that our special care residents have the opportunity for as many one-on-one interactions with a specially trained staff member as possible. That is why Emeritus provides two distinct living environments, separated by secured doors.

In summary, the proposed use of doors on the Special Care Unit would be to provide a safe, private environment for residents with a diagnosed memory loss disorder to receive assistance with Activities of Daily Living as well as social and emotional intervention and support. The proposed addition would provide a separated and secure environment for the special needs residents.

Indicate hours of operation of the proposed use:

The facility is in use twenty-four hours a day, seven days a week with nightly staff on duty. Visiting hours are from 8:30 am to 7:00 pm, seven days a week.

Total number of employees:

Approximately 70 employees work in the Emeritus Village Oaks facility although not at any one time. With the Special Care Unit addition, which includes the addition of 40 Alzheimer care residents, approximately 15 additional employees will be needed. The total number of employees at

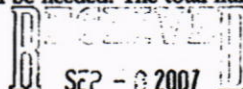


Exhibit "D" -Plan of Operation (continued)

Specific Use Permit
September 2007

Emeritus Village Oaks, after the Special Care Unit addition, will be approximately 85 employees. These employees are referred to as caregivers, may include Non-certified Care Attendants, Certified Nurses Aids, Certified Medications Aids and Licensed Vocational Nurses, as well as an Emeritus Certified Program Director. All employees meet the Texas State Assisted Living Regulations for hours of orientation and training. Further, employees on the Special Care Unit receive the Emeritus *Join Their Journey Training*.

Indicate if any storage is proposed outside of the building:

None proposed.

Indicate if any activity is proposed outside of the building:

Currently, the existing structure houses a 17,000 square foot outdoor courtyard in the center of the building. The proposed addition will add a separate fenced area (approximately 3,000 square feet) for the residents of the Special Care Unit in an interior courtyard of the new addition. This proposed area will be equipped with benches, activity area, planters and a garden. This newly formed Outside Activity Area as required by Texas Department of Health Services (TDHS) for units of this type. This interior courtyard is secured by the presence of the Special Care Unit on three sides and a fence on the southeastern corner for resident protection by the addition of a key pad type locking gate.

Any other relevant unique information on the business or site:

Some specific questions were posed in a previous Specific Use Permit request for this use:

Are the accommodations for the Special Care Unit Residents different than the other Residents?

No, the unit sizes are the same, as are the accommodations within the individual units - from carpeting, lighting and air conditioning to the bathroom accommodations. Additionally, the Special Care Unit Residents have private dining and activity accommodations, as do the Assisted Living Residents.

Who are the Residents?

Residents in the Special Care Program fit the same profile as our Assisted Living Residents without a memory loss diagnosis. They are required to fall into the same needs category as any other applicant for assisted living. The typical assisted living resident is an 82 year-old female who takes eight or more medications and needs help with two or more Activities of Daily Living. This is an accurate profile of a resident at Village Oaks at Farmers Branch, whether or not they participate in the Special Care Program.